

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 249 – SB 391**

February 3, 2023

**SUMMARY OF BILL:** Establishes that, in a general sessions court case involving an order granting possession of real property, a writ of possession or restitution may issue two days after the decision is rendered, but execution of the writ must be delayed until expiration of the appellate period.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 27-5-108(a)(1), a party to a case in general sessions court is provided a period of 10 days to appeal a decision to the circuit court.
- The proposed legislation clarifies that, in regards to the possession of real property, execution of a writ of possession must be delayed until the 10-day appellate period has expired. This means possession of the real property in question will not be restored to the prevailing party until at least 10 days following the court's decision.
- Any costs associated with a 10-day delay in the restoration of possession of property, including any costs deriving from requisite bonds or cash deposits, will be borne by private individuals and will not impact the finances of public entities.
- The proposed legislation will not impact the workload of local courts.
- Any fiscal impact to local government is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner, Executive Director

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